



BEGIN ACTUAL CONSTRUCTION - K.A.R. 28-19-300 STATE CONSTRUCTION PERMITS AND APPROVALS

***INFORMATIONAL SHEET
KDHE, BUREAU OF AIR
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K.A.R. 28-19-300 requires a construction permit or approval to be issued before “beginning actual” construction or modification of a stationary source or emission unit as required therein.

K.A.R. 28-19-200(i) defines “***begin actual construction***” as *the initiation of physical on-site construction activities on an emissions unit that are of a permanent nature. These activities include, but shall not be limited to, installation of building supports and foundations, laying underground pipework and construction of permanent storage structures. With respect to a change in the method of operation, this term refers to those on-site activities other than preparatory activities which mark the initiation of the change.*

Certain limited activities **can be undertaken** before issuance of the construction permit/approval. KDHE Bureau of Air considers these to include planning, site-clearing, grading, ordering of equipment and materials, and equipment/materials stored on-site.

Certain activities **cannot be initiated** until after the construction permit/approval has been issued. KDHE Bureau of Air considers these to include installation of building supports and foundations, paving, laying of underground pipe work, construction of permanent storage structures, and any activity of a permanent nature aimed at completing the source for which a permit/approval has yet to be obtained.

Any activity conducted prior to the issuance of the permit or approval is conducted at the owner or operator’s financial and compliance risk and shall not be a factor during the application review or permit/approval issuance process.